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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,707	11/15/2001	Alan J. Lipton	37112-175340	7303
26694	7590	04/06/2006	EXAMINER	
VENABLE LLP			LE, VU	
P.O. BOX 34385			ART UNIT	
WASHINGTON, DC 20045-9998			PAPER NUMBER	
			2621	

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/987,707	<b>Applicant(s)</b> LIPTON ET AL.	
	<b>Examiner</b> Vu Le	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed January 5, 2006 have been fully considered.

The arguments are persuasive w/r to the rejection of claims 1-20, 22-24 and 29 under 35 U.S.C. 101. At the time the Office Action was drafted, the examiner was not apprised nor provided training w/r to the Interim Guidelines as noted by the applicant. Upon review of the Interim Guidelines, the above-mentioned claims as drafted meet the patent subject matter eligibility as defined in Annex IV(a) of the Interim Guidelines. Therefore, the rejection of claims 1-20, 22-24 and 29 under 35 U.S.C. 101 is hereby withdrawn.

Applicant's arguments w/r to the rejections of claims 1, 3-29 under 35 U.S.C. 102(e)/103(a) have been fully considered but they are not persuasive for the following reasons.

Applicant asserts that Grech-Cini teaches a smoke detection system using image-based, not video-based algorithm to detect smoke (remarks, p. 11). Although applicant's argument is understood, the examiner respectfully disagrees. For example, Grech-Cini at paragraph [0001] discloses the smoke detection based on analysis of video images.

With respect to claim 1, applicant assert that Grech-Cini fails to teach extracting video primitives, based on the definitions of "object" and "video primitives" (remarks, p. 13). Although applicant's argument is understood, the examiner respectfully disagrees.

First, claim 1 does not recite "object", more or less defined an object. Thus, this argument is moot. Second, claim 1 recites "video primitives", but does not impart particular information as to what applicant intended to mean. Based on applicant's specification (p. 13), a video primitive is defined as an observable attribute of an object such as a classification, size, shape, color, texture, position, velocity, speed, internal motion, motion, salient motion, scene change, feature of a scene and a pre-defined model. This attribute(s) is utilized conduct surveillance in which video imagery is being used as collateral evidence (p. 9). In Grech-Cini, unmasking pixel changes (i.e., feature of a scene) of a sequence of video images to properly identify "smoke" or for example, a person walking across as scene, is the process of analyzing video primitive(s) (para 0091, 0137). Hence, the video primitives as defined in Grech-Cini are consistent with applicant's own definition.

Applicant argues that "smoke" in Grech-Cini is neither the same nor similar to the examples of an object defined in the specification (remarks, p. 14). Although applicant's argument is understood, the examiner respectfully disagrees.

In Grech-Cini, image processing primitives includes detection of smoke as well as a person walking across the scene (para 0137). Assuming arguendo that smoke is not an "object" as defined by the applicant, a person walking across the scene is.

Applicant argues that Grech-Cini fails to teach extracting video primitives based on the low-level processing employed by the image processing primitives of Grech-Cini (remarks, p. 15). Although applicant's argument is understood, the examiner respectfully disagrees.

In Grech-Cini, analyzing pixel differences to determine whether a change in the image is smoke or a person walking across the scene (para 0137) is consistent with the step of extracting video primitives defined by the applicant.

Applicant argues that Grech-Cini fails to teach extracting "event" occurrences based on the conclusion that "smoke" in Grech-Cini is not an object, and a decision of whether smoke actually exists is not an event occurrence (remarks, pp. 15-16). Although applicant's argument is understood, the examiner respectfully disagrees.

In applicant's specification, an "event" is defined as one or more object engaged in an activity (p. 6). Assuming arguendo that smoke is not an "object" as defined by the applicant, a person walking across the scene is, and an act of walking across the scene is an event consistent with applicant's definition.

Applicant argues that Grech-Cini fails to teach video surveillance system based on the fact that Grech-Cini does not explicitly mention "video surveillance" (remarks, p. 16). This argument has no merit, the examiner respectfully disagrees.

It is abundantly clear that the Grech-Cini patent is intended for video surveillance (see para 0003, 0007).

With respect to dependent claim 12, applicant indicates that its allowability is contingent upon the allowability of independent claim 1. No additional comments provided.

In view of the reasons as stated above, the rejections of claims 1, 3-29 under 102(e)/103(a) respectively are maintained.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1, 3-11 and 13-29 are rejected under 35 U.S.C. 102(e) as being by Grech-Cini, US 2002/0024446 (hereinafter, patent '446) for the same reasons as stated in the previous Office Action.**

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over patent '446 for the same reasons as stated in the previous Office Action.**

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### **Contact**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vu Le whose telephone number is (571) 272-7332. The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, James Groody, can be reached on (571) 272-7950. Customer Service can be reached at (571) 272-2600. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to be 'Vu Le', with a stylized, cursive-like structure.